

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division

THERABODY, INC.,  
Plaintiff,

v.

DAVID C. WALTON,  
Defendant.

Civil Action No. 3:23cv545 (RCY)

**ORDER**


This matter is before the Court on the parties' Joint Statement Regarding the Status of Discovery Disputes (ECF No. 48). On review, it appears that the parties remain unable to resolve their discovery disputes without Court intervention. Accordingly, the Court once again ADVISES the parties that, pursuant to Rule 53(a)(1)(C) of the Federal Rules of Civil Procedure, it is considering appointing a special master to manage and supervise discovery issues. Pursuant to Rule 53(g)(2)(A), the Court would require the parties to pay the master's compensation, at a rate to be fixed, the allocation of which will be determined by the Court.

This Order hereby serves as NOTICE to the parties, pursuant to Rule 53(b)(1), that the Court plans to appoint a Special Master should the parties fail to resolve their discovery disputes and file notice of the same by 5:00 p.m. EST on May 2, 2024. The parties are ORDERED to jointly submit a filing by that date and time (1) advising the Court of the status of their discovery disputes, specifying whether any portions of such disputes have been resolved, and (2) stating their objections or lack thereof to the appointment of a special master for discovery.

Let the Clerk file this Order electronically and notify counsel accordingly.

It is so ORDERED.

Richmond, Virginia  
Date: April 24, 2024

/s/   
Roderick C. Young  
United States District Judge